

**COMPETITION TRIBUNAL**

**IN THE MATTER** of the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

**AND IN THE MATTER** of an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp and Minto Roy;

**AND IN THE MATTER** of an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act*;

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

and

PREMIER CAREER MANAGEMENT GROUP CORP.

and

MINTO ROY



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**AFFIDAVIT OF MINTO ROY**

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I, Minto Roy, businessman, of 21575 Thornton Avenue, Maple Ridge, British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am a Respondent in the above referenced matter and as such have personal knowledge of the matters herein deposed to save and except where stated to be based upon information and belief, and where so stated, I verily believe them to be true.
2. I am also the director and principal shareholder of the Respondent Premier Career Management Group Corp. ("PCMGS"). PCMGS is currently dissolved but is in the process of being reinstated.

***Employment History***

3. In 1997, I began working for Bernard Haldane Associates. This company was a franchise operation with branches in Canada, the United States, and many other parts of the world.
4. I worked for Bernard Haldane Associates as a manager/sale associate until 2003. At that time, I moved from Ottawa to Vancouver to become the VP of Canadian Operations. This was a management position in title only: 90% of my duties remained personal sales.
5. In 2003, Bernard Haldane Associates changed its name to BH Careers.
6. In March 2003, the Competition Bureau of Canada began raiding many of the franchise offices.
7. Around that same time, a W-5 story aired on CTV news which presented a very negative view of BH Careers. A lot of negative publicity began to surround BH Careers as a result of the Competition Bureau of Canada's investigation.
8. No charges or proceedings were ever brought against BH Careers in Canada as a result of the Competition Bureau's investigation.
9. BH Careers went into insolvency in 2004, and in September 2004, BH Careers closed its Vancouver office.

***PCMG***

10. In October 2004, I began PCMG. I operated PCMG it in the same business premises as BH Careers previously occupied. I hired two of the former employees of BH Careers. I also offered to continue to provide services, free of charge, to the clients of BH Careers.

I did this for the sake of the industry and my professional reputation in Vancouver, not because I had any legal obligation to do so.

- 11. There was no corporate affiliation between BH Careers and PCMG.

*Service of the documents and reasons for the lack of response*

- 12. On May 9, 2007, a notice of application was left with my wife. On May 10, 2007, the same notice of application was left with Ray Williams.

- 13. On May 22, a disclosure statement was left with Ray Williams. On May 23, 2007, the same disclosure statement was left with my wife.

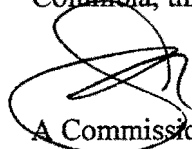
- 14. [REDACTED]

- 15. [REDACTED]

- 16. [REDACTED]

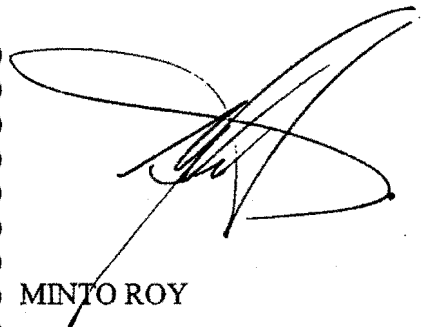
- 17. On September 13, 2007, I received the Revised Motion Record For an Order in Default of Response. It became apparent that I needed to retain counsel as soon as possible, and I retained a different lawyer as soon as I could.
- 18. I have been unable to locate and provide my counsel with a copy of the disclosure statement.
- 19. I believe that I have a meritorious defence to the allegations made against me by the Commissioner.
- 20. Now marked and attached as **Exhibit "A"** to this my Affidavit is an e-mail sent by counsel for the Commissioner, Stephane Lilkoff, to my counsel and to the Tribunal.

SWORN BEFORE ME at the City of  
 Vancouver, in the Province of British  
 Columbia, this 3rd day of October, 2007



A Commissioner for taking Affidavits within  
 British Columbia

**SARAH L. SWAN**  
*Barrister & Solicitor*  
 3200 Vancouver Centre  
 650 West Georgia Street  
 Vancouver, BC V6B 4P7



MINTO ROY

[Please PRINT name of Commissioner or apply  
 stamp]

**From:** Lilkoff, Stéphane: #LEG <Lilkoff.Stephane@cb-bc.gc.ca>  
**To:** "Sarah Swan" <sswan@harpergrey.com>, <filing\_depot@ct-tc.gc.ca>  
**Date:** 10/3/2007 6:47 AM  
**Subject:** RE: Ct-2007-006 Commissioner v. PCMG et al: Request for TimeExtension

**CC:** "Nassrallah, Roger: #LEG" <Nassrallah.Roger@cb-bc.gc.ca>  
 Dear Mr. Larose:

Would you kindly bring this e-mail to the attention of Madam Justice Simpson.

The Applicant is extremely concerned by counsel's last minute unsupported request for delay for the following reasons. We note first that the length of the delay is not even specified.

It is well known that "[j]ustice delayed is justice denied, especially when it is unjustifiably delayed" (Yacyshyn v. Canada, 1999 CanLII 7552 (F.C.A.), at para.13 - <http://www.canlii.org/en/ca/fca/doc/1999/1999canlii7552/1999canlii7552.html>).

The Respondents had to file their response almost 3 months ago. No explanation has been given to justify this delay.

Also, on September 13, 2007, the Respondents were served with the Applicant's Revised motion record for an order in default of response. This motion record contains affidavits and detailed written arguments. The Respondents had ample time during the 20 days granted to them to retain counsel and to respond to the Applicant's Revised motion record. Again, no explanation has been given to explain what happened during this 20 days period.

The Applicant understands that it is the newly retained counsel who is requesting the additional time to prepare the motion record, but counsel is acting on behalf of the clients. This file has now a history of unjustified delays. We submit that the Tribunal should take this history into consideration. Respondents' decision to retain counsel at the last possible minute, as it would appear, is again not explained.

For all these reasons, should the Tribunal decide to grant the additional requested delay, the Applicant submits that it should not be more than one week and that it should be preemptory.

Finally, it is important to note that the Respondents have already presented their defence on the merits to Justice Pendleton of the B.C. Provincial Court in the similar matter of William Warren vs. PMCG and Minto Roy (Revised Motion Record, Tab 8, Exhibit "C"). The Respondents' defence is already public, it is not complex and new counsel should therefore be able to draft the Respondents' record within the above noted time.

All of which is respectfully submitted.

Yours truly,

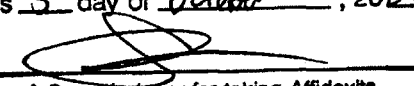
Stéphane Lilkoff  
 Justice Canada

—Original Message—

From: Sarah Swan [mailto:sswan@harpergrey.com]  
 Sent: October 2, 2007 3:15 PM  
 To: Lilkoff, Stéphane: #LEG; filing\_depot@ct-tc.gc.ca  
 Subject: Ct-2007-006 Commissioner v. PCMG et al: Request for TimeExtension

Dear Sirs/Mesdames,

This is Exhibit "A" referred to in the affidavit of Minto Roy sworn before me at Vancouver this 3<sup>rd</sup> day of October, 2007



A Commissioner for taking Affidavits  
 Within British Columbia

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As you are aware, we have recently been retained by Minto Roy and Premier Career Management Group Corp. in relation to the proceeding CT-2007-006 brought by the Commissioner of Competition.

We are aware that pursuant to the order of Madam Justice Simpson of July 31, 2007, we are to file a responding motion record to the Commissioner's application for an order in default of response by 5 pm on October 3, 2007. Through discussions with Mr. LaRose at the Tribunal offices, I understand that Madam Justice Simpson would like to receive a substantive response addressing the merits of the case set out in the notice of application. We would like to do this but are obviously under a very significant time restraint which prevents us from adequately addressing the merits of the case at this time. I understand from Mr. LaRose that the Tribunal would consider granting a time extension on this matter, and I am writing to respectfully request such an extension.

I have spoken with Mr. Lilkoff, solicitor for the Commissioner on this matter. I have informed him of my discussions with Mr. LaRose and requested his consent to an extension of time on this matter. I understand from him that he will be responding to the Tribunal on this issue.

Thank you for your quick attention to this urgent matter.

We look forward to hearing from you.

Yours truly,

Sarah L. Swan  
Barrister & Solicitor  
Harper Grey LLP  
3200 Vancouver Centre  
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Vancouver BC V6B 4P7  
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